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In re Application of	:	OFFICE OF PETITIONS
Van Der Giessen, et al.	:	
Application No.: 10/089,460	:	
Filed: April 1, 2002	:	ON PETITION
Attorney Docket No.: 2005-1001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 2010, to revive the above-identified application.

The petition is **granted**.


This application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of August 31, 2009. A two month extension of time was obtained pursuant to 37 CFR 1.136(a) on January 29, 2010. An amendment, filed January 29, 2010, failed to place this application in *prima facie* condition for allowance, as was explained in the April 7, 2010 Advisory action. Therefore, this application became abandoned on February 1, 2010. The filing of the present petition precedes the mailing of A Notice of Abandonment.

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and \$540.00 fee; (2) the petition fee of \$1,6200.00; and (3) a proper statement of unintentional delay.

After the mailing of this decision, the file will be forwarded to Technology Center AU 1615 for consideration of the Appeal Brief, filed April 29, 2010.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.


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Office of Petitions